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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,039	09/24/2003	Robert D. Burrows	25339A	5052
22889	7590	05/03/2006	EXAMINER	
OWENS CORNING			DIXON, MERRICK L	
2790 COLUMBUS ROAD			ART UNIT	
GRANVILLE, OH 43023			PAPER NUMBER	

1774

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/670,039

Applicant(s)

BURROWS, ROBERT D.

Examiner

Merrick Dixon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 February 2006.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-45 is/are pending in the application.  
4a) Of the above claim(s) 11-27 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-10,28-45 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_



MERRICK DIXON  
PRIMARY EXAMINER

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1,2 , 28,37,29,38,32,41,32,42,,34,43,35,44,36,45 and 4-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamaji et al(US 4923547).

The cited reference teaches the claimed invention including a conformable veil comprising a plurality of fibers having identical lengths and a polystyrene based binder applied thereto-col 2, lines 59-66; col 3, lines 1-6; col 8, lines 55-64. concerning claim 2, the reference teaches similar fiber lengths in col 2, lines 61; col 5, lines 64-66; col 6, lines 12-14. concerning claim 4, the reference teaches glass fibers in col 2, lines 54. concerning claim 5, the reference teaches polystyrene binder in col 3, line 4. concerning claim 6, the reference teaches the polysterene emulsion, Vinamul 7700 in col 3, lines 1-4 ( It is noted polystyrene emulsion is Vinamul 7700- see accompanying US 3963820 reference; col 9, lines 16-18). Concerning claim 7, the reference teaches claime diameter in col 5, lines 65-67. the binder is also dissolved in a resin. Concerning claims 8-10, the reference would indeed possess the claimed elongation when compression molded as such properties would be inherent. Concerning claims 29 and 38, the limitations are similar to that of previous claim 2 and thus the examiner refers applicants to the above discussion. Claims 32 and 41, the limitation are similar to claim

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5 and thus the examiner refers applicants to similar arguments above. Claims 32 and 42 are similar to previous claim 7 and the citations above thus also applies. Claims 34 and 43 are similar to previous claim 8. Claims 35 and 44 are similar to previous 9 and finally claims 36 and 45 are similar to previous claim 10. Such previous claims were addressed in the previous office action(see above, also) and thus those claims similar to them are accordingly rejected and discussed above.

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 3, 30 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaji et al( US 4923547) as applied to claims 1,2 and 4-10 above, and further in view of Kuwazuru et al( US 4579774).

The reference to Kuwazuru et al teaches the aspect of including binder material in fiber impregnated product as taught by Yamaji et al- col 4, lines 16-39; col 6, lines 44-55. it would have been obvious to one of ordinary skill in the art at the time the invention is made to combine the teaching of Kuwazuru et al and provide specific amount binder material for the impregnated product taught by Yamaji et al , in the absence of unexpected results and motivated by the desire to impart desired characteristics thereto

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– col 4, lines 5-15. the references are combineable for they relate to impregnated fibrous material.

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This application contains claims 11-27 drawn to an invention nonelected with traverse in Paper No. 6-2-05. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

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Applicant's arguments filed 2-24-06 have been fully considered but they are not persuasive. Applicants argue that the cited reference teaches ranges outside those claimed . the examiner disagrees for while it appears the reference optimum range falls outside that claimed, the taught values would overlap. Applicants further argue Kuwazuru et al teaches ranges of .01 to 30 mm and Yamaji et teaches ranges of 10-200 mm. Applicants now and finally argues the ranges teaches away from each other. The examiner disagrees for the ranges appear to over lap and it is thus submitted it would have been obvious to substitute and/or combine the teachings as set forth by the examiner.

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**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Applicants who wish to send a facsimile (draft copies) for the examiner's immediate review can do so by using the Examiner's personal fax number at 571-273-1520. The faxing of all papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 ( November 15, 1989). **NOTE: All facsimiles sent to the examiner's personal fax number should be in draft-forms and will be treated as informal.**

**Same facsimiles will not be entered** in the related applications unless otherwise agreed and noted by the examiner.

**The fax number for all other fascimile is 571-273-8300.**

Information about **the status of an application** may be obtained from the Patent Information Retrieval system (**Private PAIR**).

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Status inquires for **published applications** may be retrieved from either **Private PAIR** or **Public PAIR**. Questions about the PAIR system should be directed to the Electronic Business Center at **866-217-9197**.

Any questions concerning the instant communication should be directed to Examiner Dixon, at 571-272-1520, Mondays, Wednesdays and Thursdays, between 12 noon and 8 PM, eastern time .

A handwritten signature in black ink, appearing to read 'Merrick Dixon', with a long horizontal flourish extending to the right.

Merrick Dixon

Primary Examiner

Group 1700